

Commissioners Meeting
June 8, 2010

The regular meeting of the Landfill Committee was held on Tuesday, June 8, 2010, in the Commissioners Meeting Room at the Courthouse. Committee members present were Chairman Frank Holman, Commissioner Tim Glenn, Commissioner Dennis Giese, Director of Finance Dan Short and Landfill Manager Shannon Wilcox. Others present were Director of General Administration Robert Christiansen, County Bookkeeper Becky Venes and Deputy County Clerk Merrilou Cicerelli.

Landfill Committee Meeting

Chairman Holman opened the Landfill Committee Meeting at 9:00 a.m.

Landfill Manager Wilcox presented his May 2010 Report.

Bookkeeper Venes presented the Landfill Statistic Reports for May 2010.

Commissioner Giese made a motion to approve the Landfill Statistics Reports for May 2010. Commissioner Glenn seconded the motion. On the question, the motion carried 5 - 0.

Commissioner Giese made a motion to close the Landfill Committee Meeting. Chairman Holman seconded the motion. On the question, the motion carried 3 - 0.

Chairman Holman closed the Landfill Committee meeting at 9:11 a.m.

Regular Meeting:

The regular meeting of the Board of County Commissioners was held on Tuesday, June 8, 2010, in the Commissioners Meeting Room at the Courthouse. Board members present were Chairman Frank Holman, Commissioner Tim Glenn and Commissioner Dennis Giese. Others present were Director of General Administration Robert Christiansen, Director of Finance Dan Short, County Development Services Director Don Reimer, County Planner Kim Antonucci, County Attorney Jenny Davis and Deputy County Clerk Merrilou Cicerelli.

Following the Pledge of Allegiance, Chairman Holman called the meeting to order at 9:33 a.m.

Verification of distribution of the Board of Commissioners Agenda's:

Chairman Holman asked Deputy Clerk Cicerelli for verification regarding the distribution of the Board of Commissioners' Agendas. Deputy Clerk Cicerelli stated that the agendas were properly distributed.

Minutes of previous meetings:

Review minutes of the May 18, 2010 meeting.

Commissioner Giese presented minor changes.

Approve minutes of the April 20, May 4 and May 11, 2010 meetings.

Commissioner Glenn made a motion to approve the minutes of the April 20, May 4 and May 11, 2010 meetings. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

The Board was presented the following items for review:

Agenda for the June 8, 2010 Commissioner's Meeting.

Public Notices

No changes were made on these items.

Public Comment:

There were no comments.

Agenda Item A:

Report from the County Sheriff.

Under Sheriff Keith Pinkston presented the May 2010 report.

Agenda Item B:

Hearings and consideration of recommendations from the May 27, 2010 Planning Commission Meeting with regard to the following matters:

Special Land Use Permit

Applicant: David Bradford/Arkansas Valley Adventure. The request is for an employee campground for the 2010 rafting season. The property is located in Section 17, Township 12 South, Range 79 West, 6th P.M., 40579 Highway 24 North, Buena Vista, in a Commercial/Rural Suburban Zone.

County Development Services Director Reimer presented an overview of the meetings held to try to set up a one year temporary Special Land Use Permit to allow an employee campground during the rafting season.

Chairman Holman opened the public hearing at 9:20 a.m.

Matt House, 515 Augusta Lane, Leadville, asked for approval of the request.

The following persons spoke in opposition of the request:

Karen Farber, 40677 North Highway 24, Buena Vista

Roger Warner, 40601 North Highway 24, Buena Vista

Linell Thyer-Rush, 40211 County Road 388, Buena Vista

Jake Farber, 40677 North Highway 24, Buena Vista

Michelle Warner, 40601 North Highway 24, Buena Vista

John Nahomenuk, 307 West Sackett Avenue, Salida, BLM River Manager of Arkansas Headwater, stated he would be willing to work to find a solution for housing of the rafting guides.

Being no further comments, Chairman Holman closed the public portion at 10:45 a.m.

The Board held discussion on the application.

Commissioner Glenn made a motion approve a Special Land Use Permit for Arkansas Valley Adventure/David Bradford applicant, subject to conditions presented by the Board and Planning Commission and direct staff to prepare a resolution to be approved at the next meeting. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

Special Land Use Permit

Applicant: Four Corners Rafting and Clarence Champion. The request is for an employee campground for the 2010 rafting season. The property is located in Sections 33 and 34, Township 14 North, Range 78 West, 6th P.M., 25550 Highway 285, Buena Vista, in a Rural Zone.

County Development Services Director Reimer presented an overview of the request.

Chairman Holman opened the public hearing at 11:25 p.m.

Andy Neinas, 1409 Willow, Canon City, asked that the application be approved.

Clarence Champion, 26000 Highway 285, Nathrop, owner of property, explained their efforts to comply with the conditions handed down by the Planning Commission.

There were no further comments.

Chairman Holman closed the public hearing at 11:30 a.m.

Commissioner Giese made a motion to approve the Special Land Use Permit for Four Corners Rafting and Clarence Champion for an employee campground for the 2010 rafting season with conditions provided by the Planning Commission and direct staff to prepare a resolution for approval at the next Board of Commissioners meeting. Commissioner Glenn seconded the motion. On the question, the motion carried 3 – 0.

PUD Conceptual/Sketch Plan - The Estates At Mt. Princeton – Princeton Holdings LLC – The request is to divide 218.73 acres into 49 residential lots, 3 commercial lots and 11 open space lots with open space totaling 219 acres and the minimum residential lot size being .22 acres. The property is located in the SE ¼ NW ¼ NE ¼ NW ¼ and the SW ¼ Section 17, E ½ SE ¼ Section 18, NE ¼ NE ¼ Section 19 and the NW ¼ NW ¼ Section 20, Township 15 South, Range 78 West, 6th P.M., County Road 162, Nathrop in a Rural Zone. This had been tabled from the April 27, 2010 Planning Commission Meeting and the May

11, 2010 Board of Commissioners Meeting. Therefore this was a continuance of the public hearing.

County Planner Antonucci presented an overview and update on the request.

Syd Schieren, 202 North F Street, Salida, presented an overview of the changes that had been made since the last meeting.

Tom Warren, 15870 County Road 162, Nathrop, presented an update on the request.

Frank McMurry, 22405 U.S. Highway 285, Nathrop, spoke in favor of the development.

Being no further comments, Chairman Holman closed the public portion of the public hearing at 11:55 a.m.

The Board held discussion on the request.

Commissioner Giese moved for approval of the PUD Conceptual/Sketch Plan - The Estates at Mt. Princeton – Princeton Holdings LLC and direct staff to prepare a resolution to be approved at the next meeting. Commissioner Glenn seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item C:

Consideration of the petition to vacate and relocate portions of County Road 302 approximately 1 mile east of Johnson Village. The reason for the request is to relocate the access for County Road 302 to a new location approximately 1/2 mile east of the current access to create a safer intersection with Highway 24/285. This application has been requested by V. Paul Moltz and Karin Adams. This is a continuation from the May 18, 2010 meeting.

Rick Shovald, 541 Vine Street, Salida, stated that he would like Chairman Holman to reconsider recusing himself from this consideration.

Chairman Holman thanked Mr. Shovald for his comments. He would recuse himself. He turned this portion of the meeting to Acting Chairman Glenn.

Acting Chairman Glenn continued this request at 12:10 p.m.

County Development Services Director Reimer presented an update on the request. There had been letters from James Horn, Colorado Department of Transportation and Thomas G. Bowen, Buena Vista, concerning the request.

Acting Chairman Glenn asked for these letters be included into the record along with the transcribed minutes of the March 13 and 24, 2006, January 2006 and February 2006 along with minutes of February 20, 2007, March 20, 2007 and March 15, 2007.

Surveyor Robert Biglow presented a realignment proposal to change the grade on the new road.

Acting Chairman Glenn asked for any comments in favor of the application.

Commenting in favor of the vacation and relocation of portions of County Road 302 was:

Frank McMurry, 22405 U.S. Highway 285, Nathrop
Sue Boyd, Administrator of the Town of Buena Vista
Matt Litvay, 15620 Par Lane, Buena Vista
Karin Adams, 11460 County Road 140, Poncha Springs
Bob Biglow, 308 Shavano Avenue, Salida

Neutral comments:

Mark Emmer, 9395 County Road 160, Salida

Comments Against:

Mrs. Dewyer, 11226 County Road 302, Buena Vista
Jim Dewyer, 11226 County Road 302, Buena Vista

Acting Chairman closed the public comment portion at 12:55 p.m.

The Board held discussion on what benefits would be given to the people of Chaffee County.

Commissioner Giese moved to direct staff to proceed as described in this meeting and to move into an agreement. Commissioner Glenn seconded the motion. On the question, the motion carried 2 – 0. Chairman Holman had previously recused himself from the issue.

Chairman Holman returned to the meeting.

Agenda Item D:

Acknowledge report from the County Treasurer for the month of May, 2010.

Commissioner Glenn made a motion to acknowledge the May 2010 County Treasurer's report. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item E:

Acknowledge report from the County Clerk for the month of May, 2010.

Commissioner Glenn made a motion to acknowledge the May 2010 County Clerk's report. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item F:

Discussion with SPOT and South West Conservation Corporation regarding the Little Rainbow Trail.

Donna Rhodes, representing SPOT, presented an update of the Little Rainbow Trail.

The Board held discussion on the agenda item.

Commissioner Giese made a motion to allocate the youth conservation funds from the Conservation Fund in the amount of \$10,000 toward the completion of the Little Rainbow Trail. Commissioner Glenn seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item H:

Request from County Sheriff to address the Board.

County Sheriff Tim Walker expressed concerns about conversations between some of his employees and two of the County Commissioners.

No action was taken concerning this item.

Agenda Item I:

Consideration of a resolution proposed by District Attorney Thom LeDoux to waive term limitations for the Office of District Attorney.

Michael Blitzstien, Tom Cat Ranch, Buena Vista, commented in opposition of approving the resolution.

Board discussion was held on the item.

Chairman Holman made a motion to not approve the proposed resolution to waive term limitations for the Office of the District Attorney. Commissioner Glenn seconded the motion. On the question, the motion carried 3 – 0.

Agenda Item G:

Presentation from Justin DuBois regarding the closure of portions of Cottonwood Pass on September 11 and 12, 2010 from 6:00 a.m. – 6:00 p.m. for a downhill skateboarding event.

Mr. DuBois was not present at the meeting.

The Board directed staff to contact Mr. DuBois and inform him that the dates he had requested were during the peak of Fall Color season on Cottonwood Pass and ask him if he and his group would consider a different time.

Consent Agenda:

- ❖ Renewal application for an Optional Premises Liquor License for Ivy League Corp., Collegiate Peaks Golf Course, 28775 Fairway Drive, Buena Vista.
- ❖ Pay bills

Commissioner Glenn made a motion to approve the Consent Agenda as presented. Commissioner Giese seconded the motion. On the question, the motion carried 3 – 0.

Roundtable Items:

- ✚ County Road 295
- ✚ Legislation on Marijuana
 - Special Land Use Permit
 - Zoning regulations
 - Grandfathering in
 - Growers
 - Next week to approve moratorium

Agenda Item J:

Executive session with County Attorney to discuss pending litigation.

County Attorney Davis County Attorney Davis stated C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice on legal questions concerning the Nestle Waters application for a 1041 Regulation and a Special Land Use Permit.

Commissioner Giese made a motion that we go into executive session under the statute C.R.S. 24-6-402(4) (b). Chairman Holman seconded the motion. On the question, the motion carried 3 - 0.

The Board went into Executive Session at 2:49 p.m.

I, Jennifer A. Davis, Chaffee County Attorney, do hereby attest that the portion of the executive session held on June 8, 2010, during which the recorder was directed to take no minutes constituted a privileged attorney-client communication.

Jennifer A. Davis, Chaffee County Attorney

I, Frank Holman, Chairman of the Chaffee County Board of County Commissioners, do hereby attest that the portion of the executive session held on, June 8, 2010 , during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

Frank Holman, Chairman

Chairman Holman reconvened the meeting at 3:46 p.m. stating that no decisions had been made during the Executive Session. Being no further business before the Board of Commissioners, the regular meeting of June 8th, 2010 was adjourned at 3:50 p.m.

Attest:

Joyce M. Reno
Chaffee County Clerk